

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AUDRA MCCOWAN, et al.,

Plaintiffs,

v.

CITY OF PHILADELPHIA, et al.,

Defendants.

CIVIL ACTION

NO. 19-3326-KSM

ORDER

AND NOW this 16th day of May, 2022, upon consideration of the parties' objections to trial exhibits, witnesses, and the scope of claims and defenses (*see* Doc. Nos. 198, 201, 203, 212, 215, and 216; P. Supp. Tr. Memo), and for the reasons described in the accompanying memorandum, it is **ORDERED** that the parties' objections are **SUSTAINED IN PART** and **OVERRULED IN PART** as follows:

1. The City's objections to City Controller Rebecca Rhynhart's op-ed (P. Ex. 3), the press release from the Controller's Office (P. Ex. 5), and the EEO summary memo (P. Ex. 13) are **SUSTAINED**.

2. The City's objections to the 2018 audit (P. Ex. 1) and the press release from the Mayor's Office (P. Ex. 4) are **OVERRULED**.

3. The Court reserves ruling on the parties' authenticity arguments and the City's argument that Plaintiffs' text messages are inadmissible hearsay.

4. Plaintiffs' objections to the testimony of Chief Inspector Christopher Flacco, Captain Matthew Deacon, Lieutenant Ezekiel Williams, and Inspector Michael Gillespie are **OVERRULED**.

5. The City's objection to Controller Rhynhart's testimony is **SUSTAINED IN PART** and **OVERRULED IN PART**. Rhynhart's testimony is limited to matters within her personal knowledge.

6. Plaintiffs' objection to the City's ability to present evidence on affirmative defenses is **OVERRULED**.

7. The City's objection to Plaintiffs' ability to put forth evidence of constructive discharge is **SUSTAINED**.

IT IS SO ORDERED.

/s/Karen Spencer Marston

KAREN SPENCER MARSTON, J.